

ERIC GRANT  
United States Attorney  
BRENDON L.S. HANSEN  
Assistant United States Attorney  
501 I Street, Suite 10-100  
Sacramento, California 95814  
Telephone: (916) 554-2780  
Facsimile: (916) 554-2900

Attorneys for Defendants David Kim Allred,  
Elisabeth Higgins, and Allison Berry

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

RASHAUN ALLEN JUDGE,  
  
Plaintiff,  
  
v.  
  
DAVID KIM ALLRED, ELISABETH  
HIGGINS, ALLISON BERRY,  
  
Defendants.

CASE NO. 2:24-CV-1324-DJC-JDP (PC)

**MOTION FOR A CONTINUANCE OF THE  
DEADLINE FOR DEFENDANTS TO RESPOND  
TO PLAINTIFF'S COMPLAINT IN LIGHT OF  
LAPSE OF APPROPRIATIONS; ~~PROPOSED~~  
ORDER**

Defendants David Kim Allred, Elisabeth Higgins, and Allison Berry hereby move for a continuance of the current deadline of October 10, 2025 to respond to Plaintiff's Complaint in the above-captioned case.

1. At the end of the day on September 30, 2025, the appropriations that have been funding the Department of Justice expired and appropriations to the Department lapsed. The Department does not know when funding will be restored by Congress.

2. Absent an appropriation or continuing resolution, Department of Justice attorneys are prohibited from working, even on a voluntary basis, except in very limited circumstances, including "emergencies involving the safety of human life or the protection of property." 31 U.S.C. § 1342. That exception is not deemed to include most civil cases.

3. Undersigned counsel for the Department of Justice therefore requests a continuance of the current deadline of October 10, 2025 to respond to Plaintiff's Complaint until a reasonable time

1 period after Congress has restored appropriations to the Department.

2 4. If this request is granted, undersigned counsel will notify the Court as soon as Congress  
3 has appropriated funds for the Department or enacted a continuing resolution. Counsel may need to file  
4 further requests for extensions dependent upon the length of the lapse of appropriations and, subsequent  
5 to restored appropriations, counsel may also need to request extensions on other impacted deadlines.

6 Therefore, Defendants hereby move for a continuance of the current deadline of October 10,  
7 2025 to respond to the Plaintiff's Complaint in this case until a reasonable time period after Department  
8 of Justice attorneys are permitted to resume their usual civil litigation functions.

9 Dated: October 1, 2025

ERIC GRANT  
United States Attorney


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11 By: /s/ Brendon L.S. Hansen  
BRENDON L.S. HANSEN  
12 Assistant United States Attorney  
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**~~PROPOSED~~ ORDER**

Good cause being established, the motion by Defendants David Kim Allred, Elisabeth Higgins, and Allison Berry for a continuance of the current deadline of October 10, 2025 to respond to the Plaintiff's Complaint is GRANTED.

IT IS SO ORDERED.

Dated: October 10, 2025

  
JEREMY D. PETERSON  
UNITED STATES MAGISTRATE JUDGE